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In Re Application Of: Brian G. Agee et al.  
Serial No. ~~09/787,789~~  
Filed: 06/10/2001  
For: Method and Appara...

Examiner: Blanche Wong  
Group Art Unit: 2616  
Atty. Docket No:  
Date: Jan. 12<sup>th</sup>, 2007

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C: 20231

SIR: Transmitted herewith are:

☒ a Response to the First Office Action, dated 10/09/06 for the above application.

☒ a claims listing and claims status, in compliance with 37 CFR 1.21

☒ Extension of time as necessary is requested and a check for the required fee is enclosed.

☒ The Commissioner is herewith authorized to charge payment of the necessary fees, or credit any overpayment to Deposit Account 50-0705 associated with this communication for any related purpose, including: ( A DUPLICATE COPY OF THIS SHEET IS ENCLOSED)

☒ Any additional filing fees required for presentation of extra claims

☒ Any extension or petition fees.

☒ Small entity status for this application under 37 CFR §1.9 and 1.27 has been established by a verified statement previously submitted.

Respectfully Submitted:

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### **RESPONSE TO OFFICE ACTION**

This is in response to the Office Action dated 10/09/2006.

### **RESPONSE TO EXAMINER & SUPERVISOR TELEPHONIC INTERVIEW**

The Office Action dated 10/09/2006 crossed paths with telephone interviews between the attorney for Applicant and the Examiner, the attorney for Applicant and the Applicant, and the attorney for Applicant and the Examiner's supervisor. The issues and concerns that had been raised in the Office Action were specifically considered and addressed, and the Claims were amended with all parties expressing their satisfaction with the final result as meeting all concerns.

At the end of the final telephone interview Applicant's attorney sent an informal copy of the amended claims listing to the PTO by both fax and email, approving entry of the final changes as an Examiner's Amendment. Applicant's attorney was assured by both the Examiner and the Examiner's supervisor that the claims were now in a condition suitable for allowance. The claims listing attached to this Response contains these claims, with the spacing corrected to improve readability.

One change from the text submitted by fax and email has been made in response to the specific rejection for lack of antecedent basis; the phrase "a spatially diverse" has been added to the seventh line of text (line 9) of independent Claim 1, bringing the text into conformity with the phraseology used in the other independent claims and subtext, and correcting this lack of antecedent basis. Because this change brings the text into conformity (and was not intended to change the scope of this claim) it is hoped that this alteration is acceptable.

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